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#9

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<u>FROM</u>	<u>PHONE</u>	<u>FAX</u>	<u>COMPANY</u>
Kim Stone	732-949-8115	732-949-0292	Lucent IP Business Holmdel, NJ (USA) Page Count w/Cover: 8

DATE: September 15, 2003

Case Name: Gillespie
Serial No: 09/642203

Dear Sir,

Please note the attached copy of a non-final office action that came addressed to Lucent Technologies. I do not show this serial number or inventor as a Lucent case. I spoke with the examiner, S. D'Agosta, and he said I can fax this to this number. I am discarding the action. Please inform me if this in turn is a Lucent case since this action is due 10/16/03. Thank you for your attention to this matter.

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Respectfully,

Kim Stone
kastone@lucent.com
Administrative Services
Intellectual Property Business

OFFICIAL

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/642,203	08/19/2000	Donald B. Gillespie	1752/USW/1752PUS	6852

12046 7590 07/16/2003

LUCENT TECHNOLOGIES INC.
DOCKET ADMINISTRATOR
101 CRAWFORDS CORNER ROAD - ROOM 3J-219
HOLMDEL, NJ 07733

EXAMINER

D AGOSTA, STEPHEN M

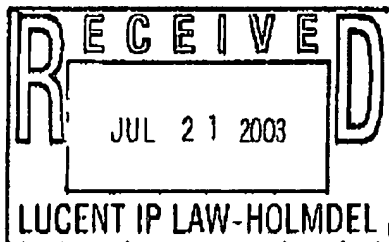
ART UNIT

PAPER NUMBER

2683

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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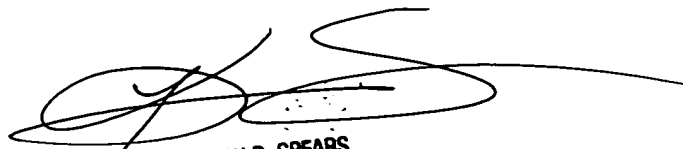
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09/642,203	08/19/2000	Donald E. Gillespie	1752/USW1752PUS	6852
20350	7590	01/16/2004	EXAMINER	
TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834			D AGOSTA, STEPHEN M	
			ART UNIT	PAPER NUMBER
			2683	1/2

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Time has been restarted from the
date of this communication due to
error in mailing address.


KIMBERLY D. SPEARS
SUPERVISORY LEGAL INSTRUMENTS EXMR.
TECHNOLOGY CENTER 2600

Office Action Summary	Application No.	Applicant(s)	
	09/642,203	GILLESPIE ET AL.	
	Examiner	Art Unit	
	Stephen M. D'Agosta	2683	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(e). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-846)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

1. Note that a new examiner, Stephen D'Agosta, has been assigned to this case.
2. New art is provided below along with a new rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 11-13 and 21-24 rejected under 35 U.S.C. 103(a) as being unpatentable over Hallenstal US 6,125,126 and further in view of Widmark et al. US 5,504,804 and Dougherty US 6,393,271 (hereafter Hallenstal, Widmark and Dougherty).

As per claims 1, 12 and 21, Hallenstal teaches for use in a communication network (figures 1 and 6) including a switching center in communication with at least one alternative system, an Intelligent Peripheral (figure 1, #16) and a plurality of subscribers (figure 1, letters A, B and C) each having at least one Directory Number (C2, L28-35) and a method for conditionally forwarding a call (abstract) comprising a Service Location Register (ie. HLR, VLR, WSLR per applicant's spec) the call termination parameters including call forwarding features (C4, L10-45), detecting busy or no answer (C2, L48-51, C5, L14-16) forwarding a request to SLR for routing instructions (C4, L54-67, C5, L1-13), applying service logic to forward call to DID of a

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resource on the IP (C2, L28-51, C4, L41-54) and applying service logic to disconnect the call or route the call to the at least one alternative system (C2, L52-67 and C3, L1-33) but is silent on the SLR in communication with switching center and SLR operative to retrieve stored call termination parameters for each DN and call information for each incoming call to a DN.

The examiner notes that Hallenstal teaches a mobile network (figure 1, #18) which inherently include MSC's and HLR/VLR/WSLR's.

Widmark teaches a mobile network that applies call routing decisions (abstract) whereby the MSC requests information from the HLR (eg. connection and data flow) and the MSC/HLR can store/send status information about the call(s). The examiner notes that an HLR may be co-located with an MSC and even be part of the actual MSC.

With further regard to claim 12, Hallenstal is silent on a WSLR. The applicant states in the specification that a WSLR is a wireless SCP and these are widely used in telephone systems as is known in the art. **Doughterty** teaches a wireless system that uses a WSLR (figure 1).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that the SLR and MSC interact to transmit/receive call information, to provide means for the system and user to understand all status data about said forwarded call.

As per **claims 2, 13 and 22**, Hallenstal teaches an MSC (figure 1, #18 – cell systems inherently contain MSC's).

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As per **claims 3 and 24**, Hallenstal teaches claim 1/21 **but is silent on a WSLR**.

The applicant points out that a WSLR is the same as an SCP, which is known in the art as being used in phone networks (provides supplemental software programs for service logic).

Dougherty teaches a mobile system that uses a WSLR (figure 1).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that a WSLR is used, to provide means for a WSLR to be used in place of an SCP (as are known to be used in telephone systems).

As per **claim 11 and 24**, Hallenstal teaches at least one alternate system comprises a Voice Mail system (C4, L34-38).

Claims 4-10 and 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Hallenstal/Widemark/Dougherty and further in view of Brennan et al. US 5,329,578 (hereafter Brennan).

As per **claims 4 and 14**, Hallenstal teaches claim 1/12 **but is silent on** wherein the step of applying service logic includes determining based on the calling party DN if the call is a business or personal call.

Brennan teaches determination of business or personal call (abstract, C1, L39-51 and C6, L5-30).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that service logic is applied based on the type of call, to provide means for special call handling based on business or personal calls.

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As per **claims 5 and 15**, Hallenstal teaches claim 4/14 **but is silent on** the call if forwarded to a first alternative system is the call is business related and call is forwarded to second alternative system if personal.

Brennan teaches forwarding based on business or personal (abstract, C1, L39-51 and C4, L19-35 and C6, L5-30).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that calls are routed to various systems based on personal or business calls, to provide means for the user to separate calls and send them to different systems.

As per **claims 6 and 16**, Hallenstal teaches claim 1/12 **but is silent on** applying service logic includes determining if the calling party directory number has been restricted.

Brennan teaches applying service logic if the calling number has been restricted, abstract, C1, L39-51, C3, L62-68, C4, L1-4, C4, L67-68 to C5, L1-59) and Alperovich teaches a similar embodiment (abstract – based on incorrectly forwarded number).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that service logic determines if calling party number has been restrictions, to alert the user if a restricted caller has called.

As per **claims 7 and 17**, Hallenstal teaches claim 6/16 **but is silent on** wherein the call is forwarded to the at least one alternative system only if the calling party directory number is unrestricted.

Brennan teaches call forwarding if the calling party is unrestricted (abstract, C1, L39-51, C3, L62-68, C4, L1-4, C4, L67-68 to C5, L1-59).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstal, such that the call is forwarded to an alternate system if unrestricted, to provide means to allow unrestricted calls to be routed to an alternate system (eg. to leave a voice mail message).

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As per claims 8-10 and 18-20, Hallenstall is silent on determination of time of day, day of week and date of call.

Brennan teaches service logic that can determine these times (abstract, C2, L55-60, C6, L47-68 and C7, L1-25).

It would have been obvious to one skilled in the art at the time of the invention to modify Hallenstall, such that various time stamps can be determined regarding the call, to provide means for the user/system to know when a caller called.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. D'Agosta whose telephone number is 703-306-5426. The examiner can normally be reached on M-F, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

SMD
July 8, 2003


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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